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MEMO ENDORSED

BY FAX  
Hon. James C. Francis  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

USDS SDNY	July 10, 2013
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Re: *Blagman v. Apple Inc. et al.*; 12 Civ. 5453

Dear Judge Francis:

I represent Plaintiff in this matter and write to seek clarification of the scheduling order issued today by the Court.

At yesterday's hearing, the Court informed the parties that it would enter the scheduling order proposed by the parties but, given the parties' inability to agree on a discovery process, would have to rule on any discovery disputes as those disputes arise in the course of the proceedings.

It appears that the Court then signed the draft order proposed by the Defendants in this case. The only problem with that order is that it contains language referencing the limitations that the Defendants had unsuccessfully sought the Court to impose. The order's preamble language includes the following "provided that [the parties] can agree upon a limited universe of class discovery," and later in the order "Class Discovery" is defined as being "based on a limited universe of class discovery that is agreed upon by the parties."

While I remain hopeful that the parties will reach agreement on a class discovery process, I request the Court to clarify that class discovery is not dependent on such an agreement.

Thank you for your attention to this matter.

Very truly yours,

Jason L. Solotaroff

cc: All Counsel

7/11/13  
If counsel cannot  
agree on  
scope, I will  
determine it.  
SO ORDERED.  
James C. Francis IV  
USMJ